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Application No. 09/998,979  
Reply to Office Action of October 18, 2006

**REMARKS**

Claims 1-4, 7, 9-11, 14-17, 19-21, and 23-62 are pending in the present application. Claims 86-126 have been withdrawn from consideration in compliance with a previous election requirement. Claims 5-6, 8, 12-13, 18, 22, 63-85 have been canceled. Claims 1, 7, 9, 14-15, 17, 19, 21, 23, 28, 30-33, 35, 36, 38-41, 43, 44-46, 50, 55, 56, and 61 have been amended. Accordingly, no new matter has been added to the application by the foregoing amendments.

***Entry of Rule 116 Response***

After the foregoing Amendment, claims 1-4, 7, 9-11, 14-17, 19-21, and 23-62 are pending in this application. **Applicants respectfully request that the Amendment After Final be entered in accordance with 37 CFR §1.116 and MPEP 714.13 since:** (1) no new matter has been added to the application by the Amendment; (2) the Amendment resolves all issues raised by the Examiner in the Final Office Action; (3) the subject matter of the Amendment already has been included in the Examiner's search and therefore does not require the Examiner to perform further searching; (4) the Amendment places the application in condition for allowance or in better form for appeal; and (5) the Amendment does not result in a net addition of claims to the application.

***Allowable Subject Matter***

The Examiner has indicated that Claims 18-21 contain allowable subject matter and would be allowable if rewritten in independent form including all aspects of the base claim and any intervening claims.

Independent claims 1 and 61 have been rewritten to incorporate all aspects of claims 5, 6, 8, 12, 13, and 18. Therefore claims 1 and 61 are believed to be allowable. Applicants thank the Examiner for the indication of allowable subject matter.

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***Claim Rejection – § 102(e)***

The Examiner has rejected claims 1-7, 28-29, 32-38, 40-41, and 59-64 under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,177,931 to Alexander *et al.* ("Alexander").

Although Applicants do not necessarily agree with the Examiner, the allowable subject matter of dependent claim 18 (including the intervening claims 5, 6, 8, 12, and 13) has been incorporated into independent claims 1 and 61. Therefore claims 1 and 61 are believed to be allowable. Claims 2-4, 7, 28-29, 32-38, 40-41, 59-60, and 62 are also believed to be allowable, at least because they depend on claims 1 and 61, respectively. Claims 5-6, and 63-64 have been canceled. Reconsideration and withdrawal for the Examiner's rejection of claims 1-7, 28-29, 32-38, 40-41, and 59-64 is respectfully requested.

***Claim Rejection – § 103(a)***

The Examiner has rejected claims 8-14, 27, 46-58, and 65 under 35 U.S.C. §103(a) as being unpatentable over Alexander in view of U.S. Patent No. 6,698,020 to Zigmond *et al.* ("Zigmond"). The Examiner contends that Alexander in view of Zigmond teaches each and every element of the rejected claims. Applicants respectfully traverse this rejection.

Alexander teaches an improvement to electronic programming guides (EPGs) that records the viewer's actions and the circumstances surrounding those actions. Alexander teaches recording channel changes and volume changes. Alexander teaches a "viewer profile analysis program" which performs a variety of different types of analysis, including calculating the durations of viewing and statistics about when the viewer watches particular shows or interacts with the EPG.

Zigmond teaches a means for identifying the viewer, including "statistics collection location 61 in combination with computer-executable instructions for deriving

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or making a best estimate of the identity of the viewer based on current and past viewing habits."

Independent claim 9 recites:

A method for profiling a plurality of identities of a television viewing audience based on the interactivity of the identities with a television, the method comprising:

detecting an initiation of a television viewing session;

detecting a termination of the television viewing session;

monitoring user interactions with the television;

filtering the user interactions into at least one interaction category;

processing the user interactions in each of the at least one interaction categories in order to create at least one category profile for each associated interaction category, wherein each of the at least one category profiles identifies attributes about the user for that category of interaction; and

generating an interaction profile by combining all of the category profiles, wherein said monitoring, filtering, processing and generating are continually performed for the television viewing session in order to generate a session profile; and

generating a signature profile based on the session profile, wherein said generating a signature profile includes correlating the session profile to a plurality of pre-existing signature profiles, and wherein said correlating includes correlating at least a portion of the category profiles that make up the session profile with corresponding portions of category profiles that make up the plurality of pre-existing signature profiles.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references, when combined) must teach or suggest all of the claim limitations. See MPEP 2143.

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Even if proper, the combination of Alexander and Zigmond does not teach all aspects of claim 9, at least because the combination does not teach that the correlating "includes correlating at least a portion of the category profiles that make up the session profile with corresponding portions of category profiles that make up the plurality of pre-existing signature profiles." As the Examiner states on page 8 of the Office Action, "Alexander fails to teach correlating the session profile to a plurality of pre-existing signature profiles." Therefore Alexander does not teach this aspect of claim 9.

The sole portion of Zigmond that the Examiner points to only teaches that "executable instructions for deriving or making a best estimate" are contained in the apparatus suggested by Zigmond. The teaching of a "best estimate" does not teach or suggest "correlating at least a portion of the category profiles that make up the session profile with corresponding portions of category profiles that make up the plurality of pre-existing signature profiles." Zigmond contains no disclosure that teaches how the "best estimate" is calculated and therefore cannot teach the above-quoted feature of independent claim 9. Therefore claim 9 is believed to be allowable over the proposed combination of Alexander and Zigmond, even if such combination is proper.

Claims 14, 27, and 46-58 have been amended to depend on independent claim 1 which incorporates the allowable subject matter of claim 18, and is thus believed to be allowable over Alexander and Zigmond. Claims 8, 12-13 and 65 have been canceled. Claims 10-11 are believed to be allowable at least by their dependency on independent claim 9. Reconsideration and withdrawal of the Examiner's rejection of claims 8-14, 27, 46-58, and 65 is respectfully requested.

The Examiner has rejected claims 17, 22-25, 30, 39, and 43-45 over Alexander in view of Zigmond and in further view of U.S. Patent Application Publication No. 2003/0093792 to Labeeb *et al.* ("Labeeb"). Applicants submit that Labeeb does not teach the aspects of claim 1 not taught by Alexander and Zigmond. Therefore, even if the combination of Alexander, Zigmond, and Labeeb is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claims 17, 23-25, 30, 39, and 43-45 are believed to be allowable at least by their dependency on independent claim 1. Claim 22 has been canceled. Reconsideration and withdrawal of the Examiner's rejection of claims 17, 22-25, 30, 39, and 43-45 is respectfully requested.

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The Examiner has rejected claim 26 as being unpatentable over Alexander in view of Zigmond and in further view of Labeeb, in further view of U.S. Patent No. 5,801,747 to Bedard *et al.* ("Bedard"), and in further view of U.S. Patent No. 6,317,881 to Shah-Nazaroff *et al.* ("Shah"). Applicants submit that Bedard and Shah do not teach the aspects of claim 1 not taught by Alexander, Zigmond, and Labeeb. Therefore, even if the combination of Alexander, Zigmond, Labeeb, Bedard, and Shah is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 26 is believed to be allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claims 26 is respectfully requested.

The Examiner has rejected claim 31 as being unpatentable over Alexander in view of U.S. Patent No. 6,049,695 to Cottam *et al.* ("Cottam"). Applicants submit that Cottam does not teach the aspects of claim 1 not taught by Alexander. Therefore, even if the combination of Alexander and Cottam is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 31 is believed to be allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claims 31 is respectfully requested.

The Examiner has rejected claim 42 as being unpatentable over Alexander in view of U.S. Patent No. 4,930,011 to Kiewit *et al.* ("Kiewit"). Applicants submit that Kiewit does not teach the aspects of claim 1 not taught by Alexander. Therefore, even if the combination of Alexander and Kiewit is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 42 is believed to be allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claim 42 is respectfully requested.

The Examiner has rejected claim 15 as being unpatentable over Alexander and Zigmond in view of U.S. Patent No. 5,841,433 to Chaney *et al.* ("Chaney"). Applicants submit that Chaney does not teach or suggest the aspects of claim 1 not taught by Alexander and Zigmond. Therefore, even if the combination of Alexander, Zigmond, and Chaney is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 15 is believed to be allowable at least by its dependency

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on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claim 15 is respectfully requested.

The Examiner has rejected claim 16 as being unpatentable over Alexander and Zigmond in view of Chaney and in further view of Kiewit. Applicants submit that neither Chaney nor Kiewit teach the aspects of claim 1 not taught by Alexander and Zigmond. Therefore, even if the combination of Alexander, Zigmond, Chaney, and Kiewit is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 16 is believed to be allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claim 16 is respectfully requested.

### Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1-4, 7, 9-11, 14-17, 19-21, and 23-62, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and a Notice of Allowance are respectfully requested.

Respectfully submitted,

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